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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,886	12/19/2001	Brett D. Rasmussen	B-057	2226

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EXAMINER

SCHUBERT, KEVIN R

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,886

Applicant(s)

RASMUSSEN ET AL.

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-17 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-17 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-3,7-17, and 20-22 have been considered.

Claim Rejections - 35 USC § 102

5 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15 Claims 1-7,10, and 12-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Dray, U.S. Patent Application Publication No. 2002/0184485.

20 As per claims 1,12, and 15, the applicant describes a method of electronically signing a hypertext markup language form page comprising the following limitations which are met by Dray:

a) loading said hypertext markup language form page into a browser application ([0070] to [0077]);

25 b) merging user-entered field values with said hypertext markup language form page to generate a merged page ([0070] to [0077]);

c) generating an electronic signature for said merged page from within said browser application ([0070] to [0077]).

30 As per claims 2 and 17, the applicant describes the method of claims 1 and 15, which are met by Dray, with the following limitation which is also met by Dray:

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Wherein said electronic signature is generated based at least in part on a public key infrastructure digital certificate ([0077]).

As per claim 3, the applicant describes the method of claim 1, which is met by Dray, with the
5 following limitation which is also met by Dray:

Wherein said hypertext markup language form page comprises at least one data field ([0071]).

As per claim 7, the applicant describes the method of claim 1, which is met by Dray, with the following limitation which is also met by Dray:

10 Further comprising attaching said electronic signature to said hypertext markup language form page ([0062]).

As per claims 10 and 18, the applicant describes the method of claims 7 and 15, which are met by Dray, with the following limitation which is also met by Dray:

15 Further comprising transmitting said hypertext markup language form page with said attached electronic signature to a web server ([0074]).

As per claim 13, the applicant describes the method of claim 12, which is met by Dray, with the following limitation which is also met by Dray:

20 Further comprising indicating whether said electronic signature matches said stored electronic signature ([0077]).

As per claim 14, the applicant describes the method of claim 12, which is met by Dray, with the following limitation which is also met by Dray:

25 Further comprising displaying information about said stored electronic signature ([0076],[0077]).

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As per claim 16, the applicant describes the apparatus of claim 15, which is met by Dray, with the following limitation which is also met by Dray:

Wherein said code for generating said electronic signature comprises plugin code for said browser ([0073]);

5 The plugin code is the signature processing code provided to the user by the server.

As per claim 20, the applicant describes the apparatus of claim 15, which is met by Dray, with the following limitation which is also met by Dray:

10 Wherein said code for merging data said user-entered field values does not interfere with posting of said at least one field to a server application ([0073] to [0076]).

As per claim 21, the applicant describes the apparatus of claim 15, which is met by Dray, with the following limitations which are also met by Dray:

- 15 a) code for generating a new electronic signature for said merged page ([0077]);
b) code for comparing said new electronic signature with said electronic signature attached to said merged page ([0077]).

As per claim 22, the applicant describes the apparatus of claim 15, which is met by Dray, with the following limitation which is also met by Dray:

20 Wherein said code for loading and displaying said hypertext markup language form page displays said hypertext markup language form page in a first frame and displays at least one user interface button in a second frame, said at least one user interface button for initiating said code for generating said electronic signature and said code for verifying said electronic signature ([0077]).

25 ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10 Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dray in view of Mullen-Schultz, U.S. Patent No. 6,393,462.

As per claim 8, the applicant describes the method of claim 7, which is met by Dray, with the following limitation which is met by Mullen-Schultz:

Wherein said attaching comprises appending a digital signature onto the end of a file containing said hypertext markup language form page in a comment tag (Mullen-Schultz: Col 15, lines 16-20);

15 Dray discloses all the limitations of claim 7. Dray also discloses appending a digital signature to the end of a file. However, Dray does not disclose that the html form is in a comment tag.

20 Mullen-Schultz discloses a similar system in which a signature is appended to a file in a comment tag. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Mullen-Schultz with those of Dray and append a digital signature in a comment tag because doing so allows for a convenient place to store a digital signature when a user wantd the digital signature to be appended to a file.

25 Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dray in view of Mullen-Schultz in further view of Odamura, U.S. Patent No. 6,763,248.

As per claim 9, the applicant describes the method of claim 8, which is met by Dray in view of Mullen-Schultz, with the following limitation which is met by Odamura:

Wherein said attaching further comprises prepending a text header onto said file in another comment tag (Odamura: Col 13, lines 49-54);

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Dray in view of Mullen-Schultz disclose all the limitations of claim 8. However, Dray in view of Mullen-Schultz does not disclose the addition of a text header onto the file in another comment tag.

Odamura discloses the use of prepending a text header in a comment tag which gives information on how the receiver should handle the file. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Odamura with those of Dray in view of Mullen-Schultz because doing so allows a comment tag to be prepended to a file to give instructions on how to handle the file.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dray in view of Hamilton (Hamilton, Heather. Online HTML Manual. "Creating Forms for Fun and Profit". 1999. <http://www.talltech.com/student/imos99/studentweb/Heather/Manual/DataMan11.htm>).

As per claim 11, the applicant describes the method of claim 10, which is met by Dray, with the following limitation which is met by Hamilton:

Wherein said transmitting to said web server comprises transmitting to a web server for processing by a common gateway interface script (Hamilton: page 1);

Dray discloses all the limitations of claim 10. However, Dray does not disclose that the web server processes data according to a common gateway interface script. Hamilton discloses that common gateway interface script is a common method for processing forms on a server. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Hamilton with those of Dray because common gateway interface script is a common method for processing data on a server.

Response to Arguments

Applicant's arguments filed 8/10/05 have been fully considered but they are not persuasive. The applicant argues that Dray does not disclose merging "user-entered field with values with the hypertext markup language form page to generate a merged page". The applicant argues that Dray combines the

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user-entered field and html form in a predefined sequence and therefore does not generate a merged page. The examiner disagrees. The sequence order is irrelevant to the claimed invention. Dray discloses that user-entered text is merged with the html form into a data structure (merged page). The data structure is signed and transmitted with the original page.

5 The applicant further argues that Dray discloses signing a form, not a form page: "Dray discloses that only the form and the form input are signed...In contrast, claim 1 recites that the entire form page is signed, that is, the form and the page containing the form" (see Remarks page 3). The examiner fails to see the applicant's distinction of a form and a page, especially in light of the applicant's disclosure in which a form is defined as a page: "**An HTML form is a web page** or a template containing blank fields
10 into which data can be entered" (Specification: page 5, lines 9-11).

Applicant's arguments with respect to claims 12 and 15 have been fully considered but they are not persuasive. The applicant argues that Dray does not load a signed merged page into a browser for signature verification, because "Dray does not transmit a merged page. Dray transmits only user entered
15 text and a signature" (Remarks: page 4 and 5). The examiner disagrees. The applicant's statement is inconsistent with the primary reference. Dray discloses a signature verification process in which an S-SSDO (Signed Self-Signing Document Object) is verified. The S-SSDO contains a signature and the original merged form, P-SSDO, so that a second signature can be computed for verification [0064].

20 Applicant's arguments with respect to claim 16 have been fully considered but they are not persuasive. The applicant argues that Dray's code for generating an electronic signature is embedded in a form and is therefore not plugin code. The examiner fails to see how the nature of the code being embedded in a form precludes the code from being plugin code.

25 Applicant's arguments with respect to claim 22 have been fully considered but they are not persuasive. The applicant argues that the use of two frames is not present in Dray. The examiner disagrees. Dray discloses that an html form page is displayed in a first frame on a client browser. Dray

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also discloses that at least one user interface button is displayed in a second frame on a verifier's browser. As seen in the paragraph cited in the previous office action [0077], a verify interface button is displayed in a second frame on a verifier's browser to generate an electronic signature for verification purposes.

5

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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SUPERVISORY PATENT EXAMINER